

make doubly sure that there was no provision in any of those articles which were in any way dependent upon the oath provided for in section 9.01.

There are a number of sections in those articles which provide for the election of officers and provide for the taking of office upon a person qualifying. The Chair does not interpret that as meaning that the section will be without meaning if this section is not adopted and therefore rules that the question is divisible.

Are there any other requests for division?

Delegate Chabot.

DELEGATE CHABOT: I have a parliamentary inquiry.

THE PRESIDENT: State the inquiry.

DELEGATE CHABOT: As I understand, the requirement for 72 votes for adoption is a requirement imposed upon us by the General Assembly and our rules only as to entire articles and divisions. The effect of the rule that we have divided upon is that we not require that the adoption of a section must also have 72 votes.

My inquiry is whether or not under these circumstances a division which would result in our taking a vote upon a single section by itself is permissible.

THE PRESIDENT: I am not sure I followed your reasoning. Will you state that again, please?

DELEGATE CHABOT: The effect of the application of —

THE PRESIDENT: May I please have order. It is a very important question.

Delegate Chabot.

DELEGATE CHABOT: The effect of the application of Rule 51 to the circumstances just now before us would require that 72 affirmative votes must be had before these single sections may be adopted. The purpose of the General Assembly and the purpose of our rules, especially since we just recently amended them, was to insure that as to adoptions of parts of this document, 72 votes would be required only in the case of the entire document and articles or divisions, and we specifically amended the rules to eliminate a possible interpretation that a section might have to have 72 votes in order to be adopted. I suggest therefore the division of the question in such a way that we end up voting on a single section and requiring 72 votes is contrary to the intent of our rules.

THE PRESIDENT: Delegate James.

DELEGATE JAMES: Delegate Chabot conceivably could be right, but we cannot afford to gamble on the adoption of his argument. The legislation says each article and each division, as I recall the words, must be voted on separately. Now, if we do not have 72 votes for this particular section if the question is divided and we adopt the constitution, it would certainly invite a lawsuit when the people attacking the document can say that a substantial question in the adoption of the constitution was not adopted by 72 votes, and it is not a risk worth running.

THE PRESIDENT: Delegate James, I do not think that is the point that Delegate Chabot has in mind. If I follow his reasoning, it is that since we have amended Rule 59 so as not to require a vote by sections, he states for the purpose of avoiding a necessity of having 72 votes on a section that therefore an interpretation of Rule 51, which permits the division of the question so that under the enabling act 72 votes would be required, is improper. In other words, that the question cannot be divided.

Is that your point, Delegate Chabot?

My difficulty is that while you state the purpose of the amendment was to avoid this particular problem, the Chair does not conceive or that certainly that was not its only purpose. The real purpose was to avoid the necessity of submitting to separate vote each and every section of the constitution.

The question of whether Rule 51 should remain notwithstanding the amendment of Rule 59 was considered and no amendment was offered deliberately. The Chair therefore feels that the division is proper. If the division is proper, then unquestionably under the enabling act the vote of 72 votes is required.

The Chair has some concern about another question not related to either of those.

*(Whereupon, the Convention suspended for a few minutes.)*

THE PRESIDENT: The Convention will please come to order.

The Clerk will ring the quorum bell.

Will the Sergeant-at-Arms please get every delegate in the chamber promptly.

The Convention will please come to order.

Sergeant-at-Arms, are there any delegates in the lounge?